

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IL2004/000059

International filing date (day/month/year)
22.01.2004

Priority date (day/month/year)
30.01.2003

International Patent Classification (IPC) or both national classification and IPC
E05B73/00

Applicant
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IL2004/000059

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IL2004/000059

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2.1 Reference is made to the following documents:

D1: US 6 317 936 A.

D2: US 4 893 777 A.

D3: US 4 973 023 A.

D4: EP 839 978 A.

D5: US 6 244 082 B1.

D6: US 5 327 752 A.

D7: GB 2 277 350 A

2.2 In claim 1 it is unclear (Article 6 PCT) whether the mentioned cable is a structural part of the claimed subject-matter, or if it rather indicates the intended use of the claimed arrangement with a cable. Nevertheless, the designation of claim 1 is an arrangement (suitable) for arresting a portable object against a stationary object, and this can apparently not be achieved without the cable. The cable should consequently be considered as a structural element of the arrangement, and it should have been expressed in claim 1, that the arrangement also comprises the cable. The following examination takes such an interpretation into consideration.

2.3 Document **D1** discloses (see fig.3) an arrangement for arresting a portable object. The arrangement comprises a block like body 70; an oblong cavity 74 in the body with an undercut portion; a ribbed attachment member 24, adapted to be inserted into the cavity and shifted into engagement with the undercut portion; and the portable object being provided with said ribbed attachment member affixed to a side wall thereof.

2.4 The subject-matter of claim 1 differs from D1 essentially in that:

- the block like body is a cable shoe;
 - one end of the corresponding cable can be looped around a stationary object,
 - the other end is associated with a key-operated locking device,
- the undercut cavity in the body portion is an oblong circular cavity with the undercut portion extending along about 180 degrees of one side thereof,
- the ribbed member is locked to the undercut portion by the key-operated device.

2.5 The subject-matter of claim 1 is thus new over D1 (Article 33(2) PCT).

2.6 The ribbed engagement member of D1, fig.3 is very similar in form and function to the engagement member of fig. 12,13 of the application. In D1, fig.3 the security member 70 is however described in a very summarized way. The undercut portion of this member 70 does however function in a very similar way as the oblong circular hole in claim 1, and although it is not explicitly mentioned, the elongated element extending backwards from the body 70 could definitely be a cable. The body 70 would then form a cable shoe body similar to the one defined in claim 1.

2.7 On the other hand, in the fig.3 embodiment of D1 no locking means of any kind are shown for keeping the security member 70 attached to the ribbed member 24 in a theft-resistant way. In the description, col.5, §2, this embodiment is only described as a construction for "removably attaching the security device that will be used to secure the portable article to a stationary object, such as a table". This statement together with the complete lack of references to:

- a locking device immediately associated to the undercut part 70, and
- a cable,

makes it very likely that the undercut portion 70 is similar in function to the devices shown in D2 and D3, wherein the ribbed member (or alternatively the undercut portion) is fixed directly to a side, e.g. the bottom of the portable article without the use of any intermediate cable.

2.8 Because of the above (lack of) indications in D1 it seems, that it would not be obvious for the skilled person to use the security member 70 together with a cable **and** provide a lock associated with the body portion **and** reconstruct the open-ended groove to become an oblong circular hole.

2.9 In document D4, fig.3 it would certainly be possible to connect a cable one way or another to the bracket shown. This piece would then be suitable for use as a (fairly large) "cable shoe body" in the widest sense of the term. A key lock is associated to the opening 25 and prevents the removal of ribbed attachment members 17 from the undercut portion of the oblong circular hole 19. A claim 1 without the cable as a structural part would consequently appear to lack novelty (see also Guidelines 12.05). A similar reason applies to document D3.

2.10 As explained in §2.2 the cable has however been considered to form an essential structural element for an arrangement with the designation given in claim 1. Such a cable is not present in neither D3 nor D4 and the subject-matter of claim 1 is thus new with respect to these documents.

2.11 Even though the arrangements of D4 and D3 could, as described above, be used with a cable, there are no hints in these documents towards such a use. The oblong mushroom-shaped openings and ribbed members of D3 and D4 have traditionally been used for clamping a portable object directly to a surface without the use of cables, while in cable arrangements a cable shoe body or an element traversing by the cable are directly introduced into a (mostly rectangular) opening in the portable object (see D5 or D6). There are no hints for the skilled person to use a ribbed member for attachment to the portable object together with an oblong, undercut hole of a cable shoe body and a key lock associated thereto. Not even document D7, which shows a ribbed cable shoe and an oblong circular hole on a member (indirectly) intended to be fixed to a portable object, would help the skilled person to arrive at an arrangement according to claim 1.

2.12 To come to the subject-matter of claim 1 (with a cable as a structural feature) does therefore not appear to be obvious for the skilled person, and claim 1 consequently seems to fulfill the requirements of Article 33(3) PCT.

2.13 Claims 2-9 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

2.14 The invention is industrially applicable (Article 33(4) PCT).